

FACTSHEET

TITLE: **STREET VACATION NO. 01003**, requested by Frank C. Sidles on behalf of Capital Contractors, Inc., to vacate the south 40 feet of "X" Street adjacent to Lot 1, Block 6, North Lincoln Addition, generally located at No. 9th and "X" Streets.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/07/01
Administrative Action: 03/07/01

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan and conditional approval of the vacation of the south **34'** of right-of-way.

RECOMMENDATION: **DENIAL** (6-3: Carlson, Steward, Hunter, Krieser, Taylor and Newman voting 'yes'; Duvall, Bayer and Schwinn voting 'no')

FINDINGS OF FACT:

1. The applicant is requesting the vacation of the south 40' of the "X" Street right-of-way generally located at the southwest corner of 9th and "X" Streets. The staff recommendation to approve, with conditions, the vacation of the south 34' of right-of-way is based upon the "Analysis" as set forth on p.2-3, concluding that the request for a vacation of a portion of the right-of-way has been amended from the previous request. "X" Street and the north-south alleys will remain open. The vacation of 34 feet, not the 40 feet requested, will leave 66 feet of remaining right-of-way which meets standards for an industrial street. The proposal does not expand industrial uses into a residential area.
2. The applicant's testimony is found on p.4-5 and 7. The applicant will accept 34' but would prefer approval of the vacation of 40'.
3. Testimony in opposition is found on p.5-6, and the record consists of two letters in opposition (p.17-19). The opposition is concerned about traffic, particularly from the baseball park, using the alleyway if "X" Street is vacated. This will bring traffic into the neighborhood.
4. The Planning Commission discussion with staff is found on p.6-7, and the Planning Commission action is found on p.7-8.
5. The Planning Commission disagreed with the staff recommendation and voted 6-3 to recommend **denial** of this street vacation request, finding that there is no compelling reason to vacate the right-of-way and that there is uncertainty about the traffic patterns and issues in the area at this time (Duvall, Bayer and Schwinn dissenting). See Minutes, p.7-8.
6. On March 12, 2001, the applicant submitted additional information for Council consideration, which is being submitted under separate cover.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 12, 2001

REVIEWED BY: _____

DATE: March 12, 2001

REFERENCE NUMBER: FS\CC\FSV01003

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: STREET VACATION #01003

DATE: February 16, 2001

PROPOSAL: To vacate the south 40 feet of "X" Street adjacent to Lot 1, Block 6, North Lincoln Addition, generally located at N 9th and X Streets.

GENERAL INFORMATION:

APPLICANT: Frank C. Sidles
Capital Contractors
1001 N. 9th Street
Lincoln, NE 68508
(402) 476-1021

CONTACT: As above

LOCATION: Southwest corner of 9th and "X" Streets

LEGAL DESCRIPTION: The south 40 feet of the "X" Street right-of-way adjacent to Lot 1, Block 6, North Lincoln Addition, located in the Northeast Quarter of Section 23, T10N, R6E, Lincoln, Lancaster County, Nebraska.

EXISTING ZONING: I-1, Industrial

EXISTING LAND USE: Abandoned railroad tracks and dirt road

SURROUNDING ZONING AND LAND USE: Zoned I-1 industrial immediately north, northwest, east and southeast with industrial uses. Zoned R-4, residential further north, with residential uses. Zoned I-1, Industrial to the south, with residential and industrial uses. Zoned R-4 residential to the southwest and west with residential uses.

COMPREHENSIVE PLAN SPECIFICATIONS: The Comprehensive Plan does not specifically address the "X" Street right-of-way in this area.

ANALYSIS:

1. This is a request to vacate the south 40 feet of "X" Street on the east half of the block adjacent to 9th Street.
2. The right-of-way is currently developed with abandoned railroad tracks and a dirt road.
3. The petitioner intends to use the right-of-way to expand his existing industrial use, if vacated.
4. The Planning Commission recommended denial to a request to vacate all of X street between N. 8th Street and N. 9th Street on November 1, 2000. The petitioners subsequently withdrew the application.
5. The previous request would have closed X Street between 8th and 9th Streets, and would have created 2 dead end alleys. That was a concern for the neighborhood.

6. The current proposal would keep X Street and the alleys open.
7. The "X" Street right-of-way is currently 100 feet wide. If the request is granted as proposed, the remaining right-of-way would be 60 feet wide.
8. The Subdivision Ordinance requires 66 feet of right-of-way to accommodate 33 feet of paving in industrial streets in new subdivisions. The Public Works Department recommends that the maximum vacation that should be approved is 34 feet, rather than the 40 feet proposed.
9. The 34' of right-of-way can be vacated from the south side of the street, instead of splitting it half on the north side and half on the south side. Capital Contractors owns the property on the north and south sides adjacent to the proposed vacation. The proposed vacation works with the existing steel operation, drainage way, and street.
10. Lincoln Electric has existing facilities in the area. If the vacation is approved, an easement for existing and future facilities will be required.
11. The proposed vacation does not expand industrial uses into residential areas.
12. The Public Works Department noted that there is an existing drainage ditch in the area of the proposed vacation. An easement over the area of the drainage ditch will be required unless the petitioner constructs a public storm sewer from the west side of the alley, east to N. 9th Street.
13. Conclusion: The request for a vacation of a portion of the right-of-way has been amended from the previous request. "X" Street and the north-south alleys will remain open. The vacation of 34 feet, not the 40 feet requested, will leave 66 feet of remaining right-of-way which meets standards for an industrial street. The proposal does not expand industrial uses into a residential area.

STAFF RECOMMENDATIONS:

Finding that the proposed vacation is consistent with the Comprehensive Plan.

Conditional Approval of the vacation of the south 34 feet of right of way.

CONDITIONS:

1. Provide a permanent easement for existing and future electrical and telephone facilities.
2. Provide an easement for the existing storm sewer drainage ditch, or construct a public storm sewer, to the satisfaction of Public Works, from the west side of the alley, east to 9th Street.

Prepared by:

Jennifer L. Dam, AICP
Planner

STREET VACATION NO. 01003

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 7, 2001

Members present: Carlson, Steward, Hunter, Krieser, Taylor, Duvall, Newman, Schwinn and Bayer.

Planning staff recommendation: A finding of conformance with the Comprehensive Plan and conditional approval of the vacation of the south 34'.

Proponents

1. Frank Sidles, Capital Contractors, Inc., presented the application. The petition to vacate requests the vacation of 40'; however, the staff is recommending approval of the vacation of 34'. Sidles showed photographs of the area that he is requesting be vacated, which includes a ditch. Sidles submitted that 34' doesn't cover the entire ditch. Up until last fall there was a railroad track along side this ditch, which has now been removed. For the last 70-80 years that track had been there as an easement on X Street and the X Street that was usable was only that part to the north of the railroad track. Capital Contractors would like to have 40' vacated so that they can get across the ditch. The street itself is 100' in width. Only the north 40-45' have been used in the last 40-50-60 years because of the railroad track that was there. Sidles acknowledged that the subdivision ordinance requires 66' r.o.w to accommodate 33' of paving. If the city ends up with 60' r.o.w, 33' of paving should be able to be accommodated; that is, if the city ever puts in the paving. Sidles pointed out that this area has been zoned industrial for many years and there has never been any paving, and the city has probably not taken care of the street as it should.

Sidles showed another photograph of the current X street. As you also look toward the overpass, there are concrete columns holding up the bridge structure. There is also a fence. The distance between the fence and the traffic pattern between that fence is at a maximum of 42'. The city has said they are going to pave that area from No. 6th to No. 7th, but the area under the overpass is going to be 42' at the maximum. Sidles believes it should be appropriate to vacate 40' and just cut the r.o.w. down to 60' between the area on X Street next to the property he is requesting to be vacated. Sidles stated that he would accept 34', but he would rather have the additional 6', i.e. 40' vacated.

Steward inquired as to the intended use of the vacated property. Steward is concerned about the ditch. Sidles stated that Capital Contractors intends to fill in the ditch, fence the area and use it for storage. They will work with the city and do whatever is necessary to accommodate the fill. They definitely want to cover the ditch and they need more area for storage of equipment and supplies. The alley from the south would go straight through over X Street.

Sidles clarified that the house shown on the aerial map has been removed. The area is vacant. Sidles further pointed out that as X goes east and west, the structures to the south are owned by the person who owns the house on North 8th Street. Sidles clarified that there are four vacant lots and a house further south. Sidles also clarified that the LES power pole is located on X Street.

Hunter inquired whether this in any way impacts anyone currently using that area. Sidles could see no reason why it should. They will have access to X Street. Nobody had use of that part of the street while the railroad was there. The city has at times, but not consistently, cut the weeds in that ditch. Most of the time those weeds have grown and that was part of X Street.

Opposition

1. Becky Schenaman, 817 Y Street, testified in opposition. Her house is directly beside the alley. She shared photographs showing the ruts on X Street because of the use by Capital Contractors. The only reason the neighbors have not used X Street is because of the condition it is in. If X Street is vacated, the ditch will be covered and the alley will be open, and she will get traffic from W Street. With the baseball stadium, she will have hundreds of cars coming through. She does not want her alley used as a street. The alley that Capital Contractors wants to open up will make the alley a roadway into her yard. This would result in two blocks of connecting alleys.

2. Don Burbach explained that Schenaman lives ½ block north of the proposed vacation. The city now also has plans to build a road or pave a road under the bridge from the new ballpark into the North Bottoms close to this proposed vacation. He does not believe these projects are right. Why would they want to dump traffic from the ballpark into the neighborhood? Schenaman believes it will open up the alley that is blocked now. She believes the traffic will use the alley instead of 9th Street. Schenaman is hopeful that the city will improve X Street if it is not vacated.

Carlson clarified with Schenaman that she wants X Street to stay open. Schenaman concurred. Taylor confirmed with Schenaman that she is suggesting that this creates more of a traffic problem, and with more traffic in that area, it increases the dust. Schenaman added that it is also going to increase the usage of that alleyway from W Street to Y Street, which affects her property. It doesn't affect anyone else that much. It creates a traffic problem right up against the foundation of her home. This will open up both alleys from Y to W. If there is a roadway across X, they will go from W Street straight to Y. People leaving the ballpark will come around on 8th, onto W and use the alleyway.

Newman clarified that presently there is a ditch all the way so that the alley does not go through. This vacation will fill that ditch and make it so that people can cross X. Therefore, the alley south and north of X will be connected and Schenaman's fear is that people will use the alley as a through north/south street. Schenaman agreed.

Don Burbach testified in opposition. Historically, the city has neglected that particular end of North Bottoms and he has heard today during the cell tower hearing that the Planning Commission's interest stays in the neighborhoods. He wishes that were true. The city has done everything they can to destroy the North Bottoms. The ugliest place in the entire city is Capital Contractors. If we close any more of the neighborhood, how will we ever ask the city or anyone to build in that neighborhood if we keep destroying what little bit is left? We should do something to stop running down that neighborhood and do something to build it up. Nobody seems to care about this neighborhood.

3. Randy Stramel, an architect who lives in the North Bottoms, testified in opposition. He proposed a “big picture” suggestion. Consider the precedent in this city in the rails to trails scenario—this is a perfect example of something that could be utilized that way. This could be an enhancement opportunity for the JAVA (Antelope Valley) and the ballpark. If we give up 40' of r.o.w., we give up the opportunity to put some amenity in the North Bottoms. This r.o.w. is one way we have to protect North Bottoms from the noise, dust, railroad, and added traffic that is going to come along the south edge, and if we give up that r.o.w. we give up the opportunity to mitigate the impacts of surrounding uses. It does not seem like prudent public policy to give up public property when it can be put to positive public use.

4. David Prochnow testified in opposition. He is an expert on X Street because he grew up in the neighborhood. In any roadway, the bridge is the narrowest point. He mentioned that the railroad tracks were always there, but during football Saturdays, people would park on the railroad track. At 5:30 this morning, a truck loaded with a crane came on the bridge with strobe lights. The city maintains that 66' is wide enough for that road, but we're not talking about just any road. We're talking about a road that takes wide and heavy loads, a road shut off with parked cars during football Saturdays. They paved 8th Street last fall, but they made curb cuts so that the dirt road can pass through the paved road. If you look at those curb cuts, you've never seen so many tire marks. Obviously, the road is not wide enough the way the city made it. Capital Contractors and others using that road are hitting the curb as they are turning. That is a dirt road. As soon as the baseball park is done and the frost comes out of the ground or the first rain, there is going to be a mud trail going through that ballpark and the city is going to want to pave that street. With all the bike trails and sidewalk concerns, he does not know if 66' is going to be adequate. It is not an ordinary road. It is more or less an industrial road that is heavily used.

Staff questions

Steward inquired as to the situation with the railway r.o.w. Does the city own what formerly was UP r.o.w.? Dennis Bartels of Public Works explained that X Street has always been a platted r.o.w. and the railroad went through it. It was never railroad property.

Taylor noted that the Comprehensive Plan does not address X Street. He asked staff to explain how this vacation is found to be in conformance with the Comprehensive Plan. Bartels stated that it is a local street with industrial zoning on both sides. That is why he recommended 66' r.o.w., which is the minimum r.o.w. width of the subdivision ordinance. If platted today, the city would ask for 66' r.o.w. so he has recommended that only 34' be vacated as opposed to 40'.

Hunter was concerned about the potential future use of this area with the baseball park. Historically, because this is around the stadium cars will try to go anywhere that they can and the use will be more intensive in the future. She asked Bartels whether he foresees potential paving for this street or using this as a through street. Bartels believes that the idea was to discourage use of this street during game times. West from I-180 to 7th Street will be paved as part of the baseball project. The area torn up during construction of the baseball will be reroaked, but the goal is to keep the baseball traffic out of this neighborhood and not encourage it to go into this neighborhood.

Duvall asked whether a gate will be put under the bridge to prevent the traffic. Bartels was not sure about the phasing or what will happen traffic control wise with the baseball games. One way to handle it would be to close X Street beneath I-180, but once Capital Contractors was there, they needed to get the trucks out. They try to turn and go north either on 8th or 9th, but the streets are not wide enough, so the only practical way to get the Capital Contractor trucks out was to keep X Street open all the way to 6th Street. They have historically been going that direction and we are trying to maintain that movement and that is the reason for paving from 6th to 7th.

Bartels clarified that the railroad corridor east of 9th has been vacated. The city no longer owns the X street r.o.w. east of 9th Street. The whole 100' has been vacated and he believes Capital Contractors owns it between 9th and 10th.

Bartels also suggested that by extending the alley, Sidles was trying to accommodate the neighborhood. As far as the Capital Contractors operation is concerned, they can leave the ditch in place rather than extend the alley. Whether or not it is vacated, we don't have to change the status of that alley. The vacation stops at the east end of the alley. Sidles thought the neighborhood wanted the alley opened. If that is not the desire, we can make sure that if it is vacated and Sidles wants to enclose that ditch, we'll stop the pipe on the east side of the alley.

Response by the Applicant

Sidles confirmed that X Street is vacated to the east of 9th Street and the entire 100' was vacated in 1984-85.

Sidles requested that the 40' vacation be approved, rather than 34'. Capital Contractors will fence it, rock it and fill in the ditch. It gives us more room and a better opportunity with the city to get that ditch filled in.

Public hearing was closed.

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

March 7, 2001

Carlson moved to deny, seconded by Newman.

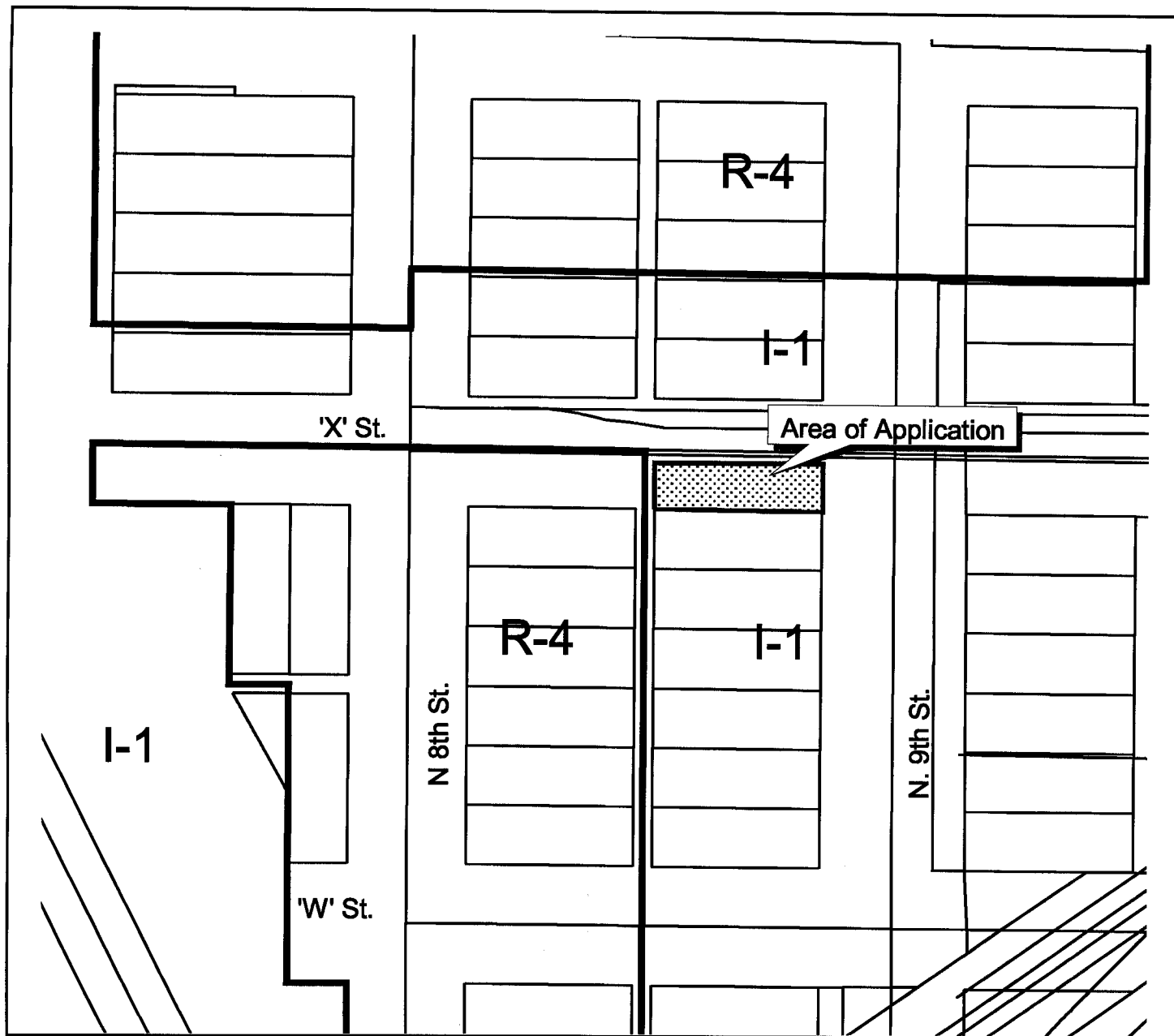
Carlson remembered the public hearing on the proposal to vacate X Street previously. He was also thinking about vacations the Commission has reviewed in the last year. He suggested that every time we vacate public land, we need to determine the public interest in doing so. It is a question of timing. We do have an isolated pocket of residential here and whether it is industrial encroachment or residential encroachment, he does not see any compelling reason to vacate. We don't know what we might want to do with that.

Steward believes that this proposal is remarkably different than the vacation further to the east that has taken place. The city and the public have substantial different interests in this area than it had at that time. He does not think we know enough about traffic patterns and issues. This could be a major mistake in a piecemeal fashion without better understanding of that area.

Taylor is concerned about the future. We should be more patient and see how this develops. He is concerned about this neighborhood and he appreciates the concerns the citizenry has for their neighborhood. This is a precedent in this area that we would be better to set aside and see how it develops and then take a look at it at another time. He is not opposed to Capital Contractors or industry.

Schwinn stated that he will vote against denial. He does not think this piece of property is that significant. If it is the wish of the Commission and the City Council to look at this seriously, then it is time to sit down and do a blighted study or a subarea plan of the North Bottoms and come up with a real program of what the city wants to do to preserve this area. This applicant has been a long time member of this community. It is a highly industrial zoned area, with hard edges on all four sides of this neighborhood, and if it is the will of the city to start protecting this neighborhood, then maybe we need to negotiate with Mr. Sidles to find a better place to move his corporation and look at redeveloping this neighborhood. If we don't have that will, he does not see how this 40' piece of land is that significant in the whole scheme of things.

Motion to deny carried 6-3: Carlson, Steward, Hunter, Krieser, Taylor and Newman voting 'yes'; Duvall, Bayer and Schwinn voting 'no'.

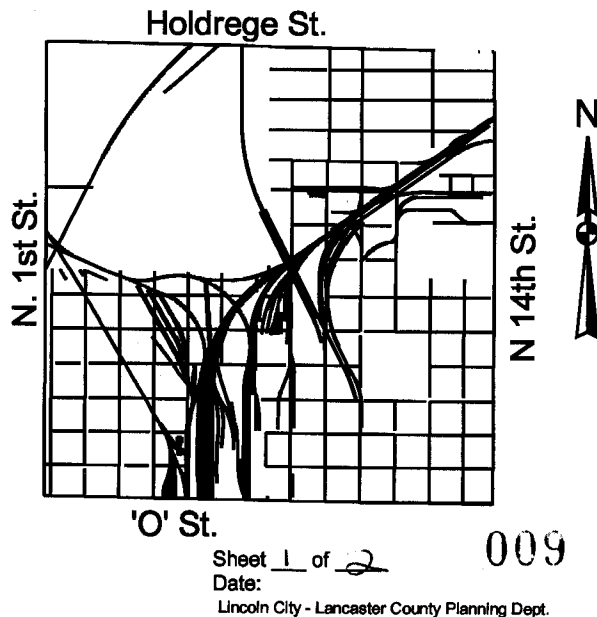
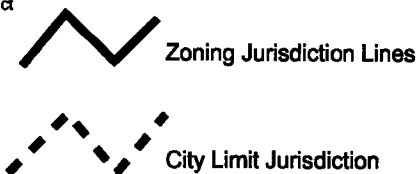


Street & Alley Vacation #01003 'X' St. & N. 9th St.

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

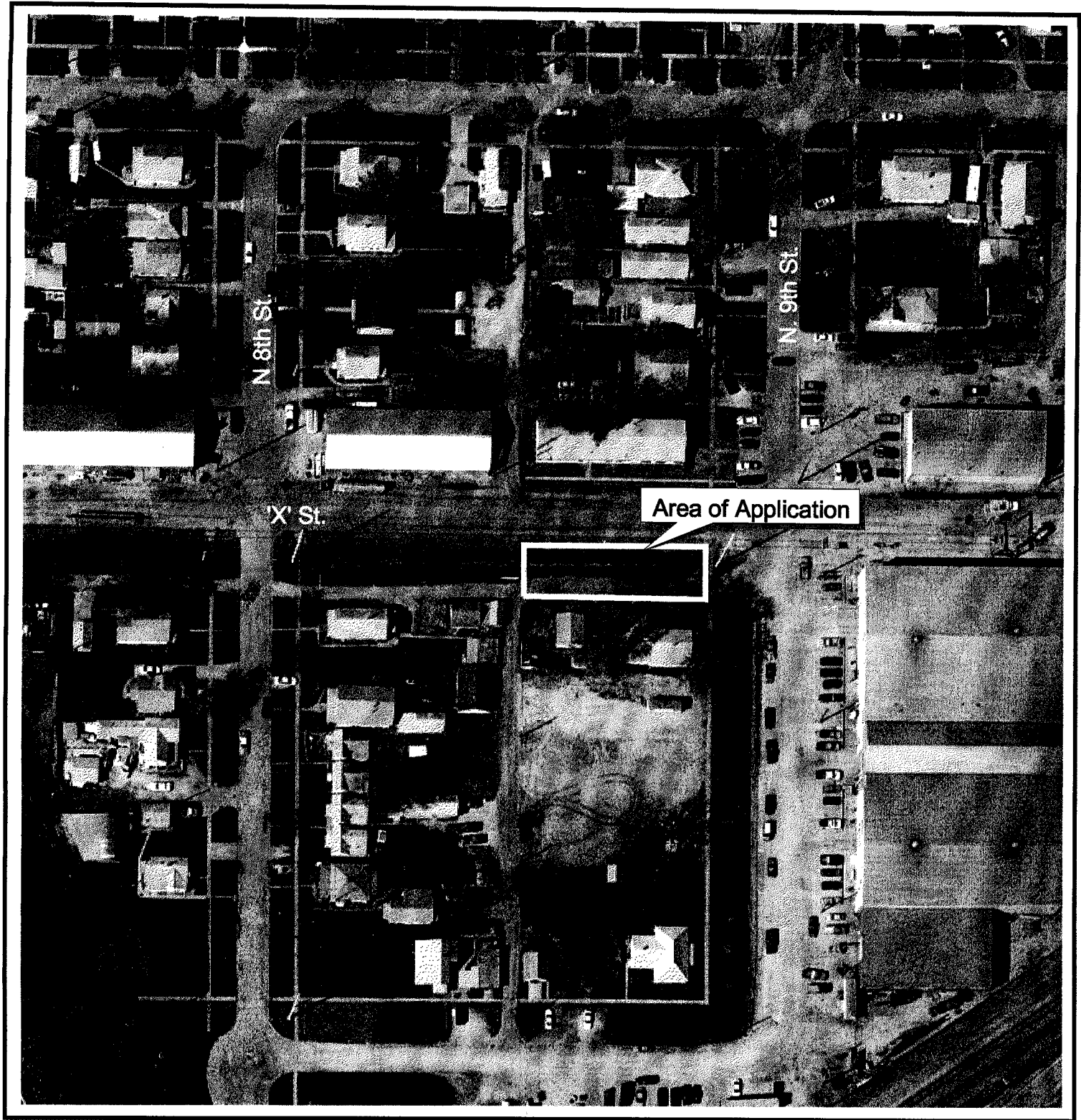
One Square Mile
Sec. 23 T10N R6E



Sheet 1 of 2
Date:

009

Lincoln City - Lancaster County Planning Dept.



Street & Alley Vacation #01003
'X' St. & N. 9th St.



Sheet 2 of 2

Date: _____

Photograph Date: 1999 **010**

Lincoln City - Lancaster County Planning Dept.

Lincoln



Nebraska's Capital City

January 25, 2001

Lincoln City/Lancaster County
Planning Commission
555 South 10th Street, Suite 213
Lincoln, NE 68508

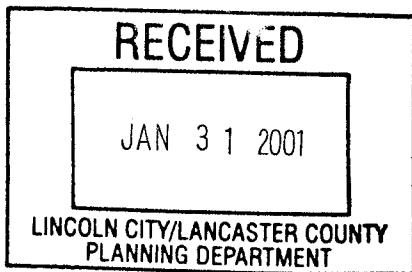
RE: Vacation of the south 40 feet of "X" Street adjacent to Lot 1, Block 6, North Lincoln Addition

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received a proper petition from Frank Sidles, President of Capital Contractors, Inc., owner of Lot 1, Block 6, North Lincoln Addition to vacate the above described public right-of-way. Petitioner requests this vacation for expansion purposes.

Lincoln Electric System has existing facilities within the area of this proposed vacation. They have asked for a permanent easement for maintaining the existing facility and for future facilities. This easement would be for the entire area of vacation. There is an existing drainage ditch within the area to be vacated. An easement needs to be maintained for this ditch or a pipe storm sewer constructed in the remaining right-of-way to eliminate this ditch.

The right-of-way width for standard industrial width paving is 33 feet in 66 feet of right-of-way. Public Works therefore recommends that the maximum vacation that should be approved is 34 feet rather than the 40 feet requested. Vacation of the south 34 feet of "X" Street will contain an area of 4,828 square feet, more or less.

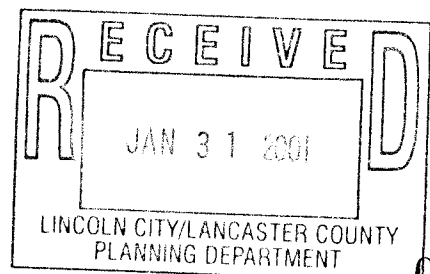


Sincerely,

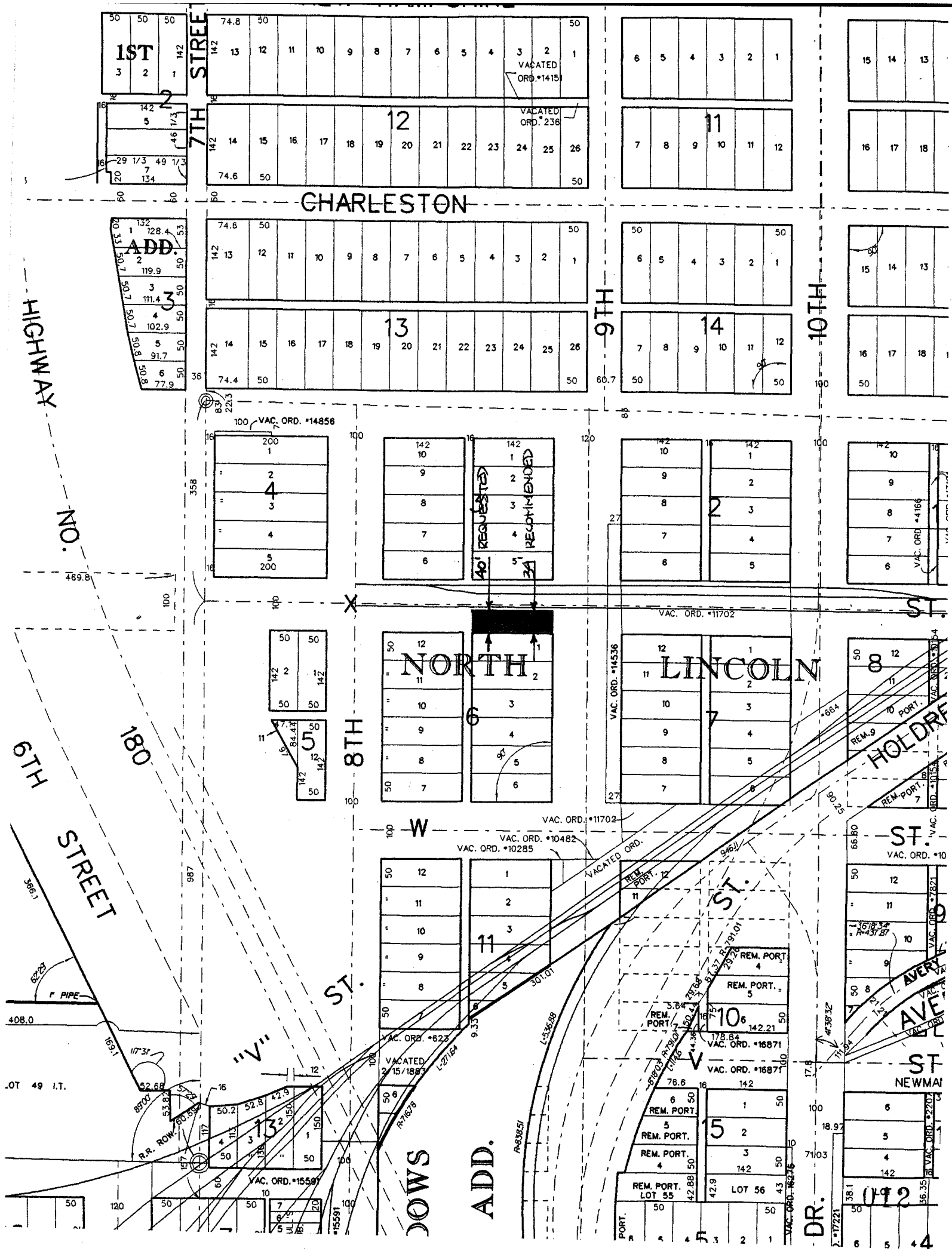
Byron Blum
Engineering Services
Department of Public Work

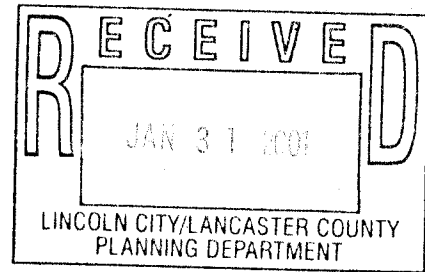
jaj XStVacRevis blb

cc: A. Abbott J. Ross
A. Harrell C. Thomas
K. Sellman D. Roper
M. Wullschleger S. Opfer
R. Figard N. Fleck-Tooze
S. Burbach



011





PETITION TO VACATE PUBLIC WAY
with
RELEASE AND WAIVER OF RIGHTS AND TITLE,
AND QUITCLAIM DEED TO CITY OF LINCOLN

TO THE HONORABLE CITY COUNCIL OF THE CITY OF LINCOLN, NEBRASKA:

The undersigned property owner(s) hereby petition you to vacate the following street, alley, or other public way, commonly known as: (i.e.: *Elm Street from 1st to 2nd St. or East-west alley, from the north line of 1st St. to the south line of 2nd St.*)

A part of "X" Street described ^(fcs) as beginning at the Northwest Corner of Lot 1, Block 6, North Lincoln, extending on a line ⁴⁰ feet North, then 142 feet East, then ¹⁴² feet South, then 142 feet West along the North lot line of Lot 1, Block 6, North Lincoln Addition to the point of beginning, Lincoln, Lancaster County, Nebraska.

in the CITY OF LINCOLN, NEBRASKA, with the City reserving in said street, alley, or other public way such title, rights, easements, and privileges as it may deem necessary. In consideration of the vacation of the above-described street, alley, or other public way, we, and each of us, for ourselves, our heirs, personal representatives, successors, and assigns, hereby waive and release any and all claims, causes of action, rights of access, and demands of every nature, known or unknown, which may accrue to us, or which we now have, or which we may hereafter have as a result of such vacation; and hereby quitclaim unto the City of Lincoln, Nebraska, and to its successors and assigns forever, all right, title, interest, estate, and demand, both at law and in equity, in and to all of said street, alley, or other public way.

TO HAVE AND TO HOLD the above-described street, alley, or other public way together with all tenements, hereditaments, and appurtenances thereto belonging unto the City of Lincoln, Nebraska, and to its successors and assigns forever.

The undersigned hereby represent(s) that he, she, they, or it is(are) the owner(s) of the following described property in Lincoln, Lancaster County, Nebraska, abutting on said street, alley, or other public way: *(Legal description from deed or abstract)*

Lots 5 and 6, Block 3, and Lot 1, Block 6, all in North Lincoln Addition to Lincoln,
Lancaster County, Nebraska.

DATED this 6th day of December, 2000.

CAPITAL CONTRACTORS, INC.

By

Frank C. Sidles, President

(ALL TITLEHOLDERS OF THE ABOVE DESCRIBED REAL ESTATE MUST SIGN THIS PETITION
BEFORE A NOTARY PUBLIC - NOTARIAL ACKNOWLEDGMENTS ON REVERSE)

(Individual(s) Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
19____, by _____
(Please indicate marital status)

(Seal)

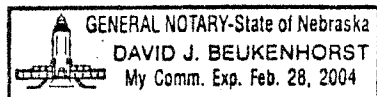
Notary Public

(Corporate Acknowledgment):

STATE OF NEBRASKA)
) ss.
Lancaster COUNTY)

The foregoing instrument was acknowledged before me on this 6th day of December, 2000,
~~MINNEN~~ by Frank C. Sidles, president of Capital Contractors, Inc., on behalf of the
corporation.

(Seal)



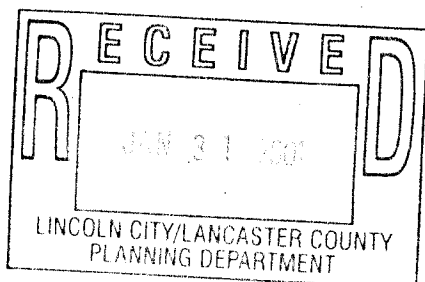
David J. Beukenhorst
Notary Public

(Partnership Acknowledgment):

STATE OF _____)
) ss.
_____ COUNTY)

The foregoing instrument was acknowledged before me on this _____ day of _____,
19____, by _____, general partner of
_____, on behalf of the partnership.

(Seal)



Notary Public

INFORMATION SHEET

An Information Sheet must be filled out completely by the owners of each parcel abutting the requested vacation. The attached Petition to Vacate Public Way must also be filled out completely according to the instructions contained in the Instruction Sheet.

1. Name of Petitioner (Current Titleholder/s): Capital Contractors, Inc.
If more than one individual, indicate if you are:
 joint tenants with right of survivorship, OR tenants in common
2. Petitioner's Address: 1001 North 9th Street, P.O. Box 80098, Lincoln, NE 68501
3. Petitioner's Telephone Number: (402) 476-1021
4. Social Security Number of each Petitioner or Federal Employer Identification No. if a corporation:
47-0384124
5. Name of street, alley, or other public way sought to be vacated: a part of "X" Street described as beginning at the Northwest corner of Lot 1, Block 6, North Lincoln, extending on a line
40 ⁴⁰ ~~142~~ feet North, then 142 feet East, then 40 ⁴⁰ ~~142~~ feet South, then 142 feet West along the
(23) North lot line of Lot 1, Block 6, North Lincoln Addition to the point of beginning,
Lincoln, Lancaster County, Nebraska.
6. Why are you seeking to have this street, alley, or other public way vacated?
Expansion purposes
7. What use or uses do you propose to make of the public way should it be vacated?
Industrial use.
8. Do you intend to purchase that portion of the vacated public way which abuts your property as described in the Petition to Vacate Public Way and/or other portions of the vacated public way?
XXX YES NO
11. Name and address of person to whom tax statement should be sent:
Capital Contractors Inc
PO Box 80098
Lincoln, NE 68501-0098

Prior to third reading of the Vacation Ordinance before the City Council, the property will be appraised. The purchase price of the portion abutting your property must be paid to the City Clerk at that time, or the property will be sold to any other abutting owner willing to pay the purchase price. The Vacation Ordinance will not receive third reading until the full price of the entire public way proposed to be vacated has been paid.

***** IMPORTANT: BE SURE THAT THE PETITION TO VACATE PUBLIC WAY HAS BEEN PROPERLY EXECUTED BY ALL TITLEHOLDERS TO YOUR PROPERTY AND ATTACH IT TO THIS INFORMATION SHEET.**

SAV 01003

INTEROFFICE MEMORANDUM

TO: City Council Members FROM: Clinton W. Thomas
DEPARTMENT: City Council Office DEPARTMENT: Real Estate Division
ATTENTION: DATE: February 14, 2001
COPIES TO: Joan Ross
~~Clinton W. Thomas~~
Dana Roper
Byron Blum
SUBJECT: Vacation of the south 40 feet of X Street
adjacent to Lot 1, Block 6, North
Lincoln Addition

A request has been made to vacate the south 40 feet of X Street adjacent to Lot 1, Block 6, North Lincoln Addition. Public Works has requested the vacation be reduced to a maximum width of 34 feet for a total area of 4,828 sq. ft. Public Works has also requested Permanent Easements be retained for existing and future electric facilities as well as a Permanent Easement to maintain the drainage ditch which is located within the area to be vacated.

This vacation is a portion of the larger X Street vacation from 8th to 9th Streets which was previously requested and the subject of an August 4, 2000 memorandum from this writer. At that time, the value of the street right-of-way was estimated at \$0.20 per sq. ft. However, given the existence of the overhead power line as well as the drainage ditch running through the area to be vacated, the utility of this portion of the street is considered to be quite low. A nominal value of \$0.15 per sq. ft. is recommended as appropriate. The calculations are as follows:

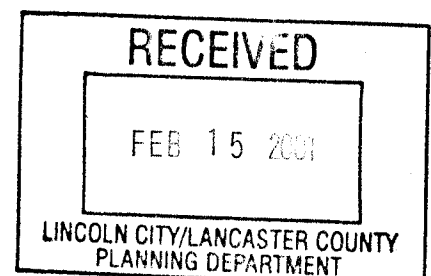
$$4,828 \text{ sq. ft.} \times \$0.15/\text{sq. ft.} = \$724.20 \text{ called } \$725$$

Therefore, it is recommended that if the street be vacated it be sold to the abutting property owner for \$725.

Respectfully submitted,

Clinton W. Thomas
Clinton W. Thomas
Certified General Appraiser #990023

dge



To whom it may concern

I am concerned about the street vacation requested by Capital Steel located at 9th & X.

My concern is with the power poles that run thru this property. I think they carry around 200,000 volts. A few years ago the pole at 9th & X was hit by a large steel beam that was being brought out of the steel Bldg owned by Capital Steel. The power pole had to be replaced. I notice now the new pole has a dent in it also.

I think the planning commission needs to do some more investigation before this application goes any further.

I can't believe the issue of these power poles was not addressed at any of your previous meetings.

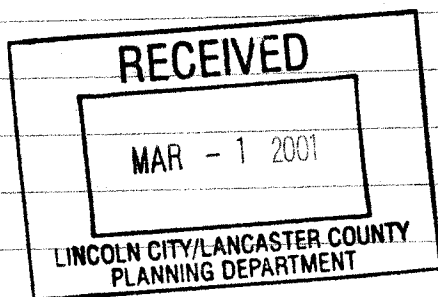
Did anybody go to 9th & X and take a look?

Also I was wondering who will own this vacated property?

RETURN ADDRESS: 2001 N.W. 84th, 68528

John Schmidt

owner property 926 N 8
470 2727



2/28/01

RECEIVED

FEB - 28 2001

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Dear Council Members -

I am opposed to closing X Street and alley between 8th + 9th Street. This street is viable to the neighbors in the surrounding neighborhood area. If ever to be any kind of misfortune such as fire, or medical assistance this street, and alley would be nonexistent due to Capital Contractors occupation of X Street, and alleyway.

This neighborhood doesn't need more expansion of a street and alley closing that Capital Contractors demand. My folks lived at 1020 No. 9 for forty-five years, and as neighbors Capital Contractors are very arrogant, and "maybe we will, or maybe we won't", type of attitude. This street X street is a dirt street, and whenever this street gets wet their trucks just fill 9th street of nothing but mud in front of neighbor property, now who likes to look at that. The closing of X Street, and alley would also mean

more noise of heavy machinery going down X Street, and alleyway, which in turn creates an industrial atmosphere instead a residential neighborhood.

There are neighbors, as well as property owners who use this alley as an everyday traffic way. Neighbors are already disgusted in the way 8th + 9th Street appear with so much mud + dirt along their streets due to Capital Contractors everyday use. I truly feel Capital Contractors over this neighborhood beautification instead of Closing X Street and alley to create more mud, and dirt. I oppose Street & Alley Vacation No. 01003 X Street & N. 9th Street.

Thank you.

Michael Scherbak
1020 North 9th
Lincoln, NE. 68508

Michael Schubert